

JUN 26 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman, et al.

Appl. No.: 10/685,134

Confirm. No.: 4485

Filed: October 14, 2003

Title: TOOLS FOR IMPLANTING AN ARTIFICIAL
VERTEBRAL DISK AND METHOD

PATENT APPLICATION

Art Unit: 3731

Examiner: Jessica R. Baxter

Atty. Docket No.: SFMTD-05009US1

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the
Commissioner for Patents, the United States Patent and Trademark Office, Facsimile No.
(571) 273-8300, on the date shown below.

Mathew Otis

Signature Date: 6/26/2006

(Signature)

REPLY TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This REPLY is in response to the final Office Action mailed April 5, 2006, in the above-captioned application. The Examiner is thanked for returning my call on Thursday 19th June, 2006. During that conversation the Examiner indicated that she was leaving the USPTO and was therefore not prepared to conduct an interview explaining points 4-6 in the final Office Action mailed April 5, 2006. The Examiner urged the Applicant to file a substantive response since in her opinion, interviews would not be granted after a final rejection irrespective of the completeness of the final rejection.

Remarks begin on page 2 of this paper.

- 1 -

Attorney Docket No.: KLYCD-05009US1 SRM/AGC
M:\ACalg\wp\SFMTD\5009US1\5009US1.RFOA 062206 filed.wpd